IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. Civil Second Appeal No.391 of 2004

Smt. Maya & Others Versus Shri Narendra Singh & Another

Date of Order ::: 28/11/2006

Hon'ble Mr. Narendra Kumar Jain, J.

Mr. A.L. Verma, Counsel for defendant-appellants.
Mr. J.K. Singhi, Counsel for plaintiff-respondents

By the Court :

Heard learned counsel for both the parties.

The plaintiff-respondents filed a suit for possession in respect of the disputed property, which was decreed by the Lower Court. The judgment and decree passed by the Lower Court has been affirmed by the First Appellate Court also.

I have heard learned counsel for both the parties and after considering their submissions, I find that the controversial issues involved in the present case are relating to the question of facts and there is a concurrent finding of the fact, which cannot be

interfered with by this Court in second appeal under Section 100 of the C.P.C.

Apart from above, it is relevant to mention here that this second appeal was listed before this Court on 19.10.2005 and the learned counsel for the defendant-appellant prayed for grant of some reasonable time to vacate the premises and the appeal was not pressed on merits. Today he has pressed this second appeal on merits instead of seeking time as contended by him before this Court on 19.10.2005. The appellant has also already enjoyed the stay order for more than one year, therefore, I do not think it fit and proper to grant any further time to vacate the disputed premises.

No substantial question of law is involved in this second appeal and the same is accordingly dismissed at the admission stage itself with no order as to costs.

(Narendra Kumar Jain) J.